THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 9203 of 2007

DATED: 30-04-2007

Between:

M/s Sri Sainath Trading Company, rep. by its
Proprietor D.Purandhar

…Petitioner

and

The Assistant Supply Officer,
Circle I, Vijayawada,
Krishna District and another

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 9203 of 2007

Oral order:

Under a mediator's report dated 15-2-2007 stocks of Red gram and Green gram allegedly belonging to the petitioner were seized by the respondents on allegation of pursuing business without a licence under the provisions of the Andhra Pradesh Public Distribution System Control Order, 2001 and for variation in the stocks with ground stock when compared with the stock register.

The petitioner assails the mediator's report as well as the seizure. No question of setting aside the mediator's report would arise, as the mediator's report is a factual statement of the scene of occurrence and of the factum of the ground situation and the seizure of the stocks. In so far as the order of seizure is concerned, even that cannot be a subject matter of this writ petition and an order of release in view of the pendency of the proceedings under Section 6-A of the Essential Commodities Act, 1955. The petitioner does not assail the validity of the proceedings initiated under control order in this writ petition.

The petitioner is at liberty to approach the respondents for interim release of the seized stocks. On such an application being made, this court is not in doubt that the respondents shall consider the same.

With the above observations, the writ petition is disposed of,

after hearing the learned Government Pleader for Civil Supplies also. There shall be no order as to costs.

GODA RAGHURAM, J

30-04-2007
GRR